IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2522 OF 2004

Narendra B. Pimputkar.....Petitioner

Versus

Air Corporation Employees
Co-operative Bank Ltd. & Ors...Respondents

Mr. R.J. Ghag for the petitioner
Mr. A.V. Bukhari, for the respondent

CORAM: F.I. REBELLO, J.
DATE : 29th September,2004

P.C.:

1. This petition is directed against the order of the Industrial Court dated 1st April, 2004 which has refused to interfere with the order dated 18th December, 2003 passed by the Labour Court. The Labour Court passed the said order on an application by the petitioner herein for interim relief during the pendency of the complaint which is still pending. The grievance of the petitioner is that at prima facie stage observation has been made by the Labour Court and upheld by the Industrial Court which will have the effect of affecting the final order passed in the complaint. The learned Counsel drawn my attention e.g. the observation of the Labour Court in paragraph 16 of the order wherein it is set out that at the highest the petitioner will be entitled to 1 1/2 months wages. On behalf of the respondents, learned Counsel points out that whatever stated in the order of the Labour Court is in the context of the date on which the petitioner would be superannuated. After hearing the learned Counsel I am of the opinion that the findings recorded for the purpose of deciding the interim relief will not bind the Labour Court where it has to decide the complaint on merits. It will be open to the petitioner to lead evidence and to raise all contentions which

he is entitled to. The findings at the prima facie stage based on the pleadings will not stand in the way of the petitioner raising his contentions nor will the Labour Court and the Industrial Court be influenced with whatever they have said at the interim stage regarding reinstatement and back wages. Needless to say that if the petitioner succeeds by establishing that his termination was illegal considering that he has already superannuated he will be entitled to back wages from the date of termination till the date of superannuation.

3. It is also made clear that the respondent will be entitled to raise all the contentions which will in law they are entitled to raise.

. With the above observations Writ Petition disposed of.

Authenticated copy be supplied to the parties.

(F.I.REBELLO, J.)